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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,029	02/09/2005	Motomitsu Hasumi	1422-0660PUS1	4859
2292 7590 06/03/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER BOYER, CHARLES I				
ART UNIT		PAPER NUMBER		
1796				
NOTIFICATION DATE		DELIVERY MODE		
06/03/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/524,029

Applicant(s)

HASUMI ET AL.

Examiner

Charles I. Boyer

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-12 is/are pending in the application.
- 4a) Of the above claim(s) 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8, and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date 7/25/07
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to applicants' amendment and response received February 20, 2008. Claims 1 and 3-12 are currently pending with claim 9 being withdrawn.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-8 and 10-12 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Wilkinson, US 5,783,547.

Wilkinson teaches enzyme granulates which are coated with a flow aid, preferably a zeolite, and are further coated with a waxy coating such as polyethylene glycol (col. 7, lines 12-35). An example of such a coating process is a two-step coating process where enzyme granulates are first coated with a nonionic surfactant binder and finely divided powder, i.e. zeolite A (0.1 to 10 microns), then are further coated with polyethylene glycol 4000 and carboxymethyl cellulose (col. 7, example 1). Note that nonionic surfactants are present as an aqueous solution or contain at least some water.

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As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

In the alternative, though zeolite A has a particle size which overlaps the range claimed, it is possible the zeolite has a particle size outside the range claimed. Nevertheless, as the reference teaches particle sizes which are well within the range claimed, and specifically teaches a finely divided powder, it would have been obvious to one of ordinary skill in the art to formulate an enzyme granule with a powder having a particle size within the range claimed with a reasonable expectation of successfully obtaining an effective enzyme granule.

Applicants have traversed this rejection on the grounds that the reference does not teach a detergent particle where the surface coating consists essentially of a surface modifier, which is formed on the base layer. The examiner disagrees and maintains the two-step coating satisfies both the base layer and the surface coating.

3. Claims 1, 3-8 and 10-12 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Wixon, US 4,260,651.

Wixon teaches detergent particles which are coated with a nonionic surfactant binder which allows for zeolite 4A powder (3 to 7 microns) to adhere to the surface of the particle, and then additional nonionic surfactant is sprayed onto the granule and additional zeolite is adhered to the nonionic coating (col. 14, example 4). Note that nonionic surfactants are present as an aqueous solution or contain at least some water.

As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

In the alternative, though zeolite 4A has a particle size which overlaps the range claimed, it is possible the zeolite has a particle size outside the range claimed. Nevertheless, as the reference teaches particle sizes which are within the range claimed, and specifically teaches a finely divided powder, it would have been obvious to one of ordinary skill in the art to formulate a detergent particle with a powder having a particle size within the range claimed with a reasonable expectation of successfully obtaining an effective detergent particle.

Applicants have traversed this rejection on the grounds that the reference does not teach a detergent particle where the surface coating consists essentially of a surface modifier, which is formed on the base layer. The examiner disagrees and maintains the two-step zeolite coating satisfies both the base layer and the surface coating.

4. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Knight et al, US 5,030,379.

Knight et al teach detergent powders wherein small zeolite particles are adhered to larger base particles via the application of a liquid nonionic surfactant binder (see abstract). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

5. Claims 1, 3-8 and 10-12 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Shindo et al, US 5,853,430.

Shindo et al teach a bleach particle comprising three layers of nonionic surfactant binder wherein each binder is separated with a thin layer of zeolite, and finally, the bleach is covered with a zeolite A powder (0.1 to 10 microns) (col. 44, lines 37-41). Note that nonionic surfactants are present as an aqueous solution or contain at least some water. As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

In the alternative, though zeolite A has a particle size which overlaps the range claimed, it is possible the zeolite has a particle size outside the range claimed. Nevertheless, as the reference teaches particle sizes which are well within the range claimed, and specifically teaches a finely divided powder, it would have been obvious to one of ordinary skill in the art to formulate a bleach particle with a powder having a particle size within the range claimed with a reasonable expectation of successfully obtaining an effective bleach particle.

Applicants have traversed this rejection on the grounds that the reference does not teach a detergent particle where the surface coating consists essentially of a surface modifier, which is formed on the base layer. The examiner disagrees and maintains the multiple coatings satisfy both the base layer and the surface coating.

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6. Claims 1, 3-8 and 10-12 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kazuta et al, US 6,015,784.

Kazuta et al teach free flowing granules wherein surfactant granules are mixed with a nonionic surfactant binder and zeolite A (0.1 to 10 microns) then, as a final step, a silica coating is added (col. 27, lines 1-20). Note that nonionic surfactants are present as an aqueous solution or contain at least some water. As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

In the alternative, though zeolite A has a particle size which overlaps the range claimed, it is possible the zeolite has a particle size outside the range claimed. Nevertheless, as the reference teaches particle sizes which are well within the range claimed, and specifically teaches a finely divided powder, it would have been obvious to one of ordinary skill in the art to formulate a surfactant granule with a powder having a particle size within the range claimed with a reasonable expectation of successfully obtaining an effective surfactant granule.

Applicants have traversed this rejection on the grounds that the reference does not teach a detergent particle where the surface coating consists essentially of a surface modifier, which is formed on the base layer. The examiner disagrees and maintains the two-coating granule satisfies both the base layer and the surface coating.

7. Claims 1, 3-8 and 10-12 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cassie, US 6,583,098.

Cassie teaches detergent particles comprising a spray-dried granule, which is contacted with a PEG 4000 binder, zeolite A (0.1 to 10 microns) as a dry added material, and a final coating of Burkeite (col. 27, example A). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

In the alternative, though zeolite A has a particle size which overlaps the range claimed, it is possible the zeolite has a particle size outside the range claimed. Nevertheless, as the reference teaches particle sizes which are well within the range claimed, and specifically teaches a finely divided powder, it would have been obvious to one of ordinary skill in the art to formulate a surfactant granule with a powder having a particle size within the range claimed with a reasonable expectation of successfully obtaining an effective surfactant granule.

Applicants have traversed this rejection on the grounds that the reference does not teach a detergent particle where the surface coating consists essentially of a surface modifier, which is formed on the base layer. The examiner disagrees and maintains the two-coating granule satisfies both the base layer and the surface coating.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-Th 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571 272 1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Charles I Boyer
Primary Examiner
Art Unit 1796

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